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APPLICATION NO. 097099,684	FILING DATE 06/18/98	FIRST NAMED INVENTOR DE FOUS	ATTORNEY DOCKET NO. VAL0829P0012
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QMS1/0427
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EXAMINER DEAL, D

ART UNIT 3752	PAPER NUMBER 5
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DATE MAILED: 04/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/099,684

Applicant(s)
De Pous et al.

Examiner
David Deal

Group Art Unit
3752



☒ Responsive to communication(s) filed on Jul 29, 1998

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Brocklin.

Van Brocklin discloses an assembly for securing and sealing a dispenser to a flanged container having a top portion of an annular fixing ring 26 sized to accept the dispenser 80 and a bottom portion with inwardly extending snap-fastening projections 46. The dispenser is positioned on a receptacle 10 having an opening 14 and a flange 16. The assembly is secured to the container by means of an annular hoop 24. The method of assembling this device according to the applicant's claim is inherent if not obvious. First it would be obvious to combine the dispenser, the annular fixing ring and the annular hoop. Second it would be obvious to fasten this combination on the top of the container and to do so by pushing down until the snap fastening projections 46 are engaged with the container flange. Finally it would be obvious to push the annular hoop down over the fixing ring as shown in figures 7 and 8 to deform the fixing ring "until at least part of the hoop is disposed adjacent said snap-fastening projection".

Art Unit:

3.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cater.

Cater discloses a device for securing a dispenser to a glass container having a dispenser 100, an annular fixing ring 106, an annular hoop 116 having an inwardly extending snapfastening projection 50 (figures 8 and 9) which is adapted to engage receptacle flange 102. The method of assembling this device according to the applicant's claim is inherent if not obvious. First it would be obvious to combine the dispenser, the annular fixing ring and the annular hoop. Second it would be obvious to fasten this combination on the top of the container and to do so by pushing down until the snap fastening projections 50 are engaged with the container flange. Finally it would be obvious to push the annular hoop down over the fixing ring as shown in figures 6,7,8 and 9 to deform the fixing ring "until at least part of the hoop is disposed adjacent said snapfastening projection".

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents to Meshberg and Mascitelli disclose similar devices to applicant's invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Deal whose telephone number is (703) 308-2782.

D.D. *DD* 4/21/99

April 21, 1999

ANDRES KASHNIKOW
SUPERVISORY PATENT EXAMINER
ART UNIT ~~314~~ 3712